REMARKS

Claims 2, 4 and 5 are cancelled without prejudice or disclaimer. Claims 1 and 3 are present in this application. Claims 1 and 3 are amended in order to more clearly define the claimed invention. It is respectfully submitted that no new matter is entered.

Claim 1, the only independent claim, is to a portable telephone with functions of receiving television and recording capable of programmed recording that has a receiver for receiving waves of television broadcast, a receiving state detector for detecting receiving state of the wave of television broadcast before recording, a receiving state detection activator for activating the receiving state detector at a time point preceding a set start time of programmed recording by a predetermined time, a judger for judging whether the recording is permitted based on a detected result of the receiving state detector, and a notifier for notifying the user that such a situation that the recording is not permitted occurs when it is judged that the recording is not permitted, where the receiving state of the wave is the reception level of the television broadcast wave, and the notifier performs notification by showing on a display a message that the recording is not permitted as well as by the production of sound or vibration.

In the Final Office Action, Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 6,266,481) in view of Baese et al. (U.S. Published Application No. 2002/0040477) and Nono (U.S. Patent No. 7,209,632).

According to the portable telephone of amended Claim 1, at a time point preceding a set start time of programmed recording by a predetermined time, the receiving state detector is activated to

detect the receiving state of the television broadcast wave, and when it is judged that the recording is not permitted, the notifier performs notification by showing on a display a message that the recording is not permitted as well as by the production of sound or vibration.

Thus, the portable telephone recited in Claim 1 has a structure in which the receiving state detector does not always detect the receiving state, but detects the receiving state at a time point preceding a set start time of programmed recording by a predetermined time. Therefore, the detection operation is almost never performed unnecessarily. In addition, since the user is notified that the recording is not permitted at a time point preceding a set start time of programmed recording by a predetermined time, thereafter when the user moves to the place wherein the wave of television broadcast is received in a satisfactory condition, the program to be recorded by programming can be recorded from the beginning.

Further, even if the user puts the portable telephone in a bag or pocket, the user can be notified that the programmed recording is not permitted by the notification by means of sound or vibration. Even if the sound or vibration is the same as or confusing with those notifying telephone calls, the user can confirm that the programmed recording is not permitted due to poor reception, not receiving a call, by taking the portable telephone from the bag or pocket and seeing the display thereof.

Baese et al. is cited for teaching a portable television receiver.

Lee et al. discloses a television receiving apparatus in which it is determined if the television receiving apparatus is authorized to record that program, and when there is no authorization data,

the operation of the digital VCR is disabled and an indication such as the energization of an LED is caused (col. 5, lines 44-57). However, the television receiving apparatus of Lee et al. performs the determination based on the authorization data of the program, and does not have any description of detecting the reception level of the television broadcast wave. In addition, the television receiving apparatus determines if it is authorized to record the program constituted of the broadcasting signals that are being received, and does not determine if the recording of the program is permitted at a time point preceding a set start time of programmed recording by a predetermined time. Therefore, even if the recording of the program is permitted after the user is notified that the recording is not permitted, it is not possible to record the program from the beginning.

Nono discloses a digital broadcast recording/viewing support apparatus which determines if the recording of the program is possible based on a probability of precipitation included in the weather forecast information (col. 9, line 55 to col. 10, line 59). However, Nono fails to disclose actually detecting the reception level of the television broadcast wave. In addition, the digital broadcast recording/viewing support apparatus of Nono determines if the recording of the program is possible when the operation data indicating a request for presetting for recording is inputted (col. 8, line 64 to col. 9, line 38). There is no description in Nono of detecting the receiving state at a time point preceding a set start time of programmed recording by a predetermined time. Therefore, even in the case where the recording of the program is determined to be possible at the time with the operation for requesting for presetting for recording is performed, if the time between the performing of the operation and the starting time of the preset recording is long, it is possible that the probability

of precipitation increases after the operation to determine the receiving state of the television broadcasting wave, resulting in failure of recording in a good condition.

In the Office Action, Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. in view of Baese et al. and Nono as applied to Claim 1 above, and further in view of Matsugami (U.S. Published Application No. 2003/0099462).

Matsugami discloses a program video-recording apparatus which notifies the user that there is a newly-automatically video-recorded program (page 3, [0054] and [0055]). However, Matsugami fails to disclose detecting the receiving state at a time point preceding a set start time of programmed recording by a predetermined time.

In view of the aforementioned amendments and accompanying remarks, Claims 1 and 3 are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **10/735,619**
Response to Final OA dated June 12, 2008

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time